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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/204,505	11/06/80	LORMEAU J	

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EXAMINER	
BROWN, J	
ART UNIT	PAPER NUMBER
123	8

DATE MAILED: 09/16/83

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 5/25 & 6/7/83 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449
4. ☐ Notice of informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 63-81 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 63-81 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).

10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

The claims have been renumbered in accordance with Rule 126 to read 63-81.

Claims 63-81 are rejected under 35 USC 112, second paragraph, as being unduly multiplied taken as a whole, they obscure and conceal the alleged invention. Typical examples of substantial duplication or lack of material differentiation are as follows: The invention of claims 63-65 and 68 is adequately protected by claim 69. Claims 66 and 76 are substantial duplicates and claims 67 and 79 are substantial duplicates.

Since the Examiner believes the invention claimed can be adequately protected by 10 claims, applicants are requested to reduce the number of claims so as not to exceed 10.

35 U.S.C. 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

Claims 63-81 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 30-82 of applicant's co-pending application Serial No. 301,611. This is a double patenting rejection.

Applicant's arguments filed May 25, 1983 have been fully considered but they are not deemed to be persuasive. It is the Examiners position that the same invention is being claimed in both applications.

Claims 63-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The claims are indefinite for the following reasons: There is not sufficient identifying data to adequately define the mucopolysaccharide, such as infra red data and melting point, etc. Claim 76 does not state that a carrier is present in the composition. The term "and/or" in claim 79 is alternative and the said claim does not administer the composition to any host. In claim 73, there appears to be missing text. Claim 71 improperly refers to claim 1 which has been cancelled.

Applicant's arguments filed May 25, 1983 have been fully considered but they are not deemed to be persuasive.

The arguments are not convincing insofar as the above rejections relate to the claims.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 63-65, 68-75, 80 and 81 are rejected under 35 U.S.C. 103 as being unpatentable over the Schmer patent of record. The Schmer patent discloses a separation process wherein low-activity heparin is separated from high-activity heparin. The instant products and process are deemed to be obvious from the disclosure of the said patent since both low and high activity fractions of heparin are set forth in the Schmer reference.

Applicant's arguments filed May 25, 1983 have been fully considered but they are not deemed to be persuasive.

The reference in addition to showing a separation process, heparin fractions have been disclosed which appear to be within the scope of the instantly claimed products and would therefore render the instant claims

obvious from the Schmer patent to a person having ordinary skill in the art.

Claims 63-66,68-73, 76 and 80-81 are rejected under 35 U.S.C. 103 as being unpatentable over the patent to Lindahl et al, of record.

The Lindahl et al patent discloses heparin fragments having 14-18 sugar units. The instant compounds and pharmacentical compositions are deemed to encompass the compounds and compositions of the Lindahl et al patent or applicants' compounds are so closely analogous thereto so as to be obvious therefrom to a person having ordinary still in the art.

Applicant's arguments filed May 25, 1983 have been fully considered but they are not deemed to be persuasive.

Applicants' priority documents have been carefully noted. However, since applicants are claiming the same or substantially the same invention as the Lindahl et al patent, the priority documents are ineffective to remove said reference. Applicants should proceed under 37 CFR1.205.

JRBrown:adj
A/C 703
557-3920
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PRIMARY EXAMINER
ART UNIT 123